IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 10010 of 2007(N)

PETITIONER:

K.NARAYANAN, S/O. KANNAN,
KAZHAKKARAN, PERINTHATTA, PORAKKUNNU POST,
VIA M.M.BAZAR, KANNUR-670 306.

BY ADV. SRI.O.RAMACHANDRAN NAMBIAR
SRI.GEEN T.MATHEW

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, SECRETARIAT,
GOVT. OF KERALA, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
COLLECTORATE, KANNUR.

3. THE TAHSILDAR,
TALUK OFFICE, TALIPARAMBA-670 141.

4. KUTTIADAN MEENAKSHI, D/O. KANNAN,
PERINTHATTA AMSOM AND DESOM, PORAKKUNNU POST,
TALIPARAMBA TALUK, KANNUR-670 306.

BY SR. GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 10010 OF 2007-N

JUDGMENT

To realise the amount of maintenance payable by the petitioner to the 4th respondent, who is his wife, revenue recovery steps have been taken, apparently, on the requisition issued by the court concerned. By Ext.P1 the sale of the immovable property of the petitioner is notified. He submits, without sufficient time gap between the issuance of notice and the date of sale, steps are taken to conduct the sale. The same is illegal. Other contentions are also raised.

2. Regarding the amounts sought to be recovered, the petitioner has got some disputes. But, the revenue recovery officials are acting on the requisition made by the court concerned. So, the revenue recovery officials cannot go into those disputes. If the petitioner is aggrieved by the directions issued by the court concerned, his remedy lies elsewhere. If the sale is made not following the procedure prescribed under the Revenue Recovery Act, the petitioner has got an effective remedy of filing a representation before the Collector under Section 53 of the Revenue Recovery Act. If such a representation is filed, only after its disposal, the

sale will be confirmed under Section 54. In view of the fact that the petitioner has effective remedies under the Revenue Recovery Act, it is unnecessary for this Court to entertain this writ petition and drag the 4th respondent also to this Court. Accordingly, the writ petition is dismissed without prejudice to the contentions of the petitioner and his right to work out his statutory remedy, if the sale actually takes place.

23rd March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/